

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CYNTHIA ROBINSON

Plaintiff,

5

DONALD W. ENGEL, Yakima
County District Court Judge,
and JOHN E. MAXWELL,
Toppenish County Municipal
Court Judge,

Defendants.

NO. CV-08-3010-EFS

**ORDER DISMISSING ACTION
WITH PREJUDICE**

Before the Court, without oral argument, is Plaintiff's First Amended Complaint (Ct. Rec. 6), filed April 21, 2008. After review, the Court finds Plaintiff's First Amended Complaint fails to cure the deficiencies contained in the initial complaint.

Plaintiff alleges that Defendant Donald W. Engel,¹ a Yakima County District Court Judge, wrongfully imprisoned her and that this wrongful

¹While Defendant John E. Maxwell was listed in the initial complaint, Plaintiff never mentioned this Defendant in her First Amended Complaint.

1 imprisonment caused her pain, suffering, and emotional distress.
 2 (Ct. Rec. 6-2.) Plaintiff has been previously advised that judges are
 3 absolutely immune from liability for judicial acts performed within their
 4 jurisdiction. *Stump v. Sparkman*, 435 U.S. 349, 359 (1978). An act is
 5 "judicial" when it is a function normally performed by the judge and the
 6 parties dealt with the judge in his judicial capacity. *Id.* at 357;
 7 *Crooks v. Maynard*, 913 F.2d 699, 700 (9th Cir. 1990).

8 Absolute immunity exists even when there are allegations that the
 9 judge acted erroneously, irregularly, or maliciously. *In re Castillo*,
 10 297 F.3d 940, 947 (9th Cir. 2002). The purpose behind judicial immunity
 11 is to ensure that an independent and impartial exercise of judgment vital
 12 to the judiciary is not impaired by exposure to potential liability.
 13 *Antoine v. Byers & Anderson, Inc.*, 508 U.S. 429, 435 (1993).

14 Here, Defendant Engel was performing a judicial act within his
 15 jurisdiction. Plaintiff appeared before Defendant Engel on criminal
 16 charges, and Defendant Engel issued a sentence. There are no facts
 17 indicating Defendant Engel acted in the "clear absence of all
 18 jurisdiction." *Crooks*, 913 F.2d at 700. Although granted the
 19 opportunity to do so, Plaintiff has not alleged any facts that lower the
 20 judicial immunity shield.

21 Accordingly, **IT IS HEREBY ORDERED:** Plaintiff's First Amended
 22 Complaint (Ct. Rec. 6) is **DISMISSED with prejudice** for failing to state
 23 a claim upon which relief may be granted. See 28 U.S.C.
 24 1915(e)(2)(B)(ii), (iii).

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1 **IT IS SO ORDERED.** The District Court Executive is directed to:

2 1) enter this Order;
3 2) enter judgment of dismissal **with prejudice**;
4 3) forward a copy to Plaintiff at her last known address; and
5 4) close the file

6 **DATED** this 28th day of May 2008.

7

8 S/ Edward F. Shea
EDWARD F. SHEA
9 United States District Judge

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